

2:20-cr-00018-JCM-EJY

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3
4 UNITED STATES OF AMERICA,)
5 Plaintiff,) Case No. 2:20-cr-00018-JCM-EJY
6 vs.) Las Vegas, Nevada
7 FRANCISCO JAVIER MARES,) Wednesday, June 2, 2021
8 Defendant.) 10:03 a.m. - 10:26 a.m.
9) Courtroom 6A
10) Change of Plea
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C E R T I F I E D C O P Y

11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12 BEFORE THE HONORABLE JAMES C. MAHAN,
13 UNITED STATES DISTRICT JUDGE
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APPEARANCES: See next page

COURT REPORTER: Samantha N. McNett, RPR, CRR, CCR
United States District Court
333 Las Vegas Boulevard South, Room 1334
Las Vegas, Nevada 89101
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Proceedings reported by machine shorthand, transcript produced
by computer-aided transcription.

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APPEARANCES

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For the Defendant:

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* * *

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1 LAS VEGAS, NEVADA; WEDNESDAY, JUNE 2, 2021; 10:03 A.M.

2 --oOo--

3 P R O C E E D I N G S

4 THE COURTROOM ADMINISTRATOR: This is the time set for
5 change of plea in case number 2:20-cr-00018-JCM-EJY, United
6 States of America versus Francisco Javier Mares.

7 Counsel, please note your appearances for the record.

8 THE COURT: Mr. Cowhig?

9 MR. COWHIG: Good morning, your Honor. Dan Cowhig for
10 the United States.

11 THE COURT: I haven't seen you in a while.

12 MR. COWHIG: Likewise, your Honor. It's good to be
13 back in the courtroom.

14 THE COURT: Thank you.

15 MR. COWHIG: I'm just standing in for Allison Reese,
16 your Honor, for this hearing.

17 THE COURT: Yes. Okay. Sure.

18 MR. COWHIG: And I believe the indictment may not yet
19 be unsealed as to Mr. Mares. I'm going to ask that it be
20 unsealed.

21 THE COURT: That's fine. Thank you. That will be the
22 order then.

23 All right. Mr. Gill?

24 MR. GILL: Good morning, your Honor. Adam Gill on
25 behalf of Mr. Mares. He is present with me.

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1 THE COURT: Thank you.

2 And both of you are doing the right thing. If you're
3 going to speak, drop the -- drop the mask or -- and just leave
4 it off if you want to for the remainder of the hearing. If
5 you're going to say something -- I want to get a clean record
6 so -- and for the defendant, too. So that's fine.

7 MR. GILL: Thank you, your Honor.

8 THE COURT: All right. Is the Government ready,
9 Mr. Cowhig?

10 MR. COWHIG: Yes, your Honor.

11 THE COURT: Mr. Gill, are you and the defendant ready?

12 MR. GILL: Yes, your Honor.

13 THE COURT: Okay. Would you be more comfortable
14 handling it from the table or from the --

15 MR. GILL: If it's okay with the Court, from the
16 table.

17 THE COURT: From the table. Pull the microphone right
18 in -- the microphones are Army surplus, I think.

19 MR. GILL: Judge, would you like me to put the plea on
20 the record?

21 THE COURT: I will in just a minute, yes. First, I'm
22 going to have the clerk swear the defendant.

23 (Defendant sworn.)

24 THE COURT: Do you pronounce your last name Mares?

25 THE DEFENDANT: Mares.

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1 THE COURT: Mares?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. Mr. Mares, do you understand
4 that having been sworn, your answers to my questions are
5 subject to the penalties of perjury if you do not answer
6 truthfully?

7 THE DEFENDANT: Yes.

8 THE COURT: Mr. Gill, has the defendant been furnished
9 with a copy of the charge against him?

10 MR. GILL: Yes, your Honor.

11 THE COURT: Does he waive the reading of the
12 indictment?

13 MR. GILL: We do your Honor.

14 THE COURT: Mr. Mares, do you understand the charge
15 against you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you read, write, and understand the
18 English language?

19 THE DEFENDANT: What was that?

20 THE COURT: Do you read, write, and understand the
21 English language?

22 THE DEFENDANT: Yes.

23 THE COURT: I thought maybe you were making a joke.
24 All right. Mr. Gill, how does Mr. Mares intend to
25 plead?

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1 MR. GILL: He intends to plead guilty, your Honor, to
2 one count of conspiracy to distribute a controlled substance in
3 violation of 21 USC Section 846 and 841(a)(1) and
4 (b)(1)(A)(viii).

5 THE COURT: Is that correct, sir?

6 THE DEFENDANT: Yes.

7 THE COURT: Before accepting your guilty plea, there
8 are a number of questions I'm going to have to ask you in order
9 to assure myself that you're entering a valid plea.

10 If you do not understand any of my questions, will you
11 let me know so I can rephrase the question?

12 THE DEFENDANT: I will.

13 THE COURT: And then at any time if you want to take a
14 break in the proceedings so you can discuss matters in private
15 with your attorney, will you let me know so I can give you that
16 opportunity?

17 THE DEFENDANT: I will.

18 THE COURT: Thank you.

19 How old are you, sir?

20 THE DEFENDANT: I am 40.

21 THE COURT: How far did you go in school?

22 THE DEFENDANT: I graduated.

23 THE COURT: High school?

24 THE DEFENDANT: Yes.

25 THE COURT: Have you taken any drugs, medicine, pills

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1 of any kind, or drunk any alcoholic beverages in the past
2 24 hours?

3 THE DEFENDANT: No.

4 THE COURT: Have you ever been treated for any mental
5 illness or addiction to narcotic drugs of any kind?

6 THE DEFENDANT: No.

7 THE COURT: And which was it? The mental illness or
8 narcotic drugs?

9 THE DEFENDANT: Neither. Neither.

10 THE COURT: Oh, I'm sorry. Have you ever been treated
11 for any mental illness or addiction to narcotic drugs of any
12 kind? I thought you said yes. Did I misunderstand?

13 THE DEFENDANT: No. Yes, you did misunderstand. I've
14 never been treated for that.

15 MR. GILL: Just so the record's clear: He's never
16 been treated for mental illness or substance abuse or addiction
17 of any kind.

18 THE COURT: Is that correct?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Thank you, Mr. Gill.

21 Now, do you understand what's happening today,
22 Mr. Mares?

23 THE DEFENDANT: I do.

24 THE COURT: Tell me in your own words what's happening
25 today. Why are we here?

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1 THE DEFENDANT: I'm here because I was arrested for
2 trying to distribute a controlled substance.

3 THE COURT: And you're going to change your plea from
4 not guilty to guilty; is that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Does either counsel have any doubt as to
7 the defendant's competence to plead in this matter?

8 MR. COWHIG: No, your Honor.

9 MR. GILL: No, your Honor.

10 THE COURT: Thank you.

11 Based on counsels' representations and the Court's own
12 observation of the defendant, I find that he is competent to
13 plead in this matter.

14 Now, Mr. Mares, have you had ample opportunity to
15 discuss your case with Mr. Gill?

16 THE DEFENDANT: I have.

17 THE COURT: Are you satisfied to have him as your
18 attorney?

19 THE DEFENDANT: I am.

20 THE COURT: Do you understand that under the
21 Constitution and laws of the United States, you are entitled to
22 have an attorney represent you at every stage of the
23 proceedings in this case?

24 THE DEFENDANT: I do understand that.

25 THE COURT: Do you understand that under the

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1 Constitution and laws of the United States, you are entitled to
2 a trial by jury on the charges contained in the indictment?

3 THE DEFENDANT: I understand.

4 THE COURT: And do you understand that in order to
5 convict you, all of the jurors would have to agree that you
6 were guilty?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that at a trial, you
9 would be presumed to be innocent and the Government would have
10 to overcome that presumption and prove you guilty beyond a
11 reasonable doubt by competent evidence and you would not have
12 to prove that you were innocent?

13 THE DEFENDANT: I do understand that.

14 THE COURT: And do you understand that in the course
15 of a trial, the witnesses upon whom the Government is relying
16 would have to come to court and testify in your presence and
17 your attorney could cross-examine those witnesses and could
18 object to any evidence offered by the Government?

19 THE DEFENDANT: I do.

20 THE COURT: Do you understand that at a trial, your
21 attorneys would have the right to call witnesses and to present
22 evidence on your behalf?

23 THE DEFENDANT: I do.

24 THE COURT: And you also understand that at a trial,
25 while you would have a right to testify if you chose to do so,

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1 you would have also have the right not to testify?

2 THE DEFENDANT: I do.

3 THE COURT: If I accept your guilty plea, do you
4 understand that you will be waiving or giving up your right to
5 a jury trial and all the other rights I've just discussed?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand there will be no further
8 trial but I'll simply enter a judgment of guilty and sentence
9 you based on your guilty plea?

10 THE DEFENDANT: I do.

11 THE COURT: In pleading guilty, do you understand you
12 will also have to waive your right not to testify against
13 yourself because I'm going to have to ask you questions about
14 what you did in order to satisfy myself that you're guilty as
15 charged?

16 THE DEFENDANT: I do understand that.

17 THE COURT: And do you understand in order for me to
18 accept your guilty plea today, you will have to admit that you
19 committed the crime charged in Count 1 of the indictment?

20 THE DEFENDANT: I do.

21 THE COURT: Are you willing to give up your right not
22 to testify against yourself in order for me to accept your
23 guilty plea?

24 THE DEFENDANT: I do.

25 THE COURT: Have you read a copy of the indictment

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1 against you?

2 THE DEFENDANT: I did, yes.

3 THE COURT: Yes?

4 Have you discussed with your attorney the charge in
5 the indictment to which you intend to plead guilty?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. Mr. Gill, does pleading guilty
8 affect this defendant's immigration status?

9 MR. GILL: No, your Honor.

10 THE COURT: Is that correct, sir? You're an American
11 citizen?

12 THE DEFENDANT: Yes.

13 THE COURT: Thank you.

14 Now, you were charged in Count 1 with a violation of
15 Title 21 United States Code Section 846 and 841(a)(1) and
16 (b)(1)(A)(viii) -- I guess that's it, 841(a)(1) and
17 (b)(1)(A)(viii) -- all of which make conspiracy to distribute a
18 controlled substance, methamphetamine, a crime.

19 The elements of this offense are first, beginning from
20 a time unknown and continuing to on or about October 30, 2019,
21 there was an agreement between two or more persons to
22 distribute methamphetamine. Second, the defendant knew the
23 agreement had an unlawful object or purpose. Third, the
24 defendant joined in the agreement with the intent to further
25 its unlawful object or purpose. And fourth, the amount of the

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1 controlled substance was 500 grams or more of a mixture and
2 substance containing a detectible amount of methamphetamine.

3 Do you understand that all of that is what the
4 Government would have to prove in order for you to be convicted
5 of the crime charged in Count 1 of the indictment?

6 THE DEFENDANT: I do.

7 THE COURT: Do you know the maximum sentence and fine
8 I might impose on the charge of the indictment to which you are
9 seeking to plead guilty?

10 THE DEFENDANT: I don't know the full amount --

11 THE COURT: Let me handle it this way.

12 Mr. Mares, are you aware of the maximum possible
13 penalty for conviction under Count 1 would be a fine of
14 \$10 million or a term of imprisonment of life or both a fine
15 and imprisonment?

16 THE DEFENDANT: I do.

17 THE COURT: And are you aware, unless the Court
18 determines that you satisfy the safety valve criteria, the
19 statutory minimum sentence for conviction under Count 1 is a
20 term of imprisonment of ten years?

21 Do you understand that?

22 THE DEFENDANT: I do.

23 THE COURT: Do you also understand that a special
24 assessment fee of \$100 per count will be imposed at the time of
25 sentencing?

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1 THE DEFENDANT: I do.

2 THE COURT: Do you also understand that in every
3 criminal case in which a defendant may be sentenced to more
4 than one year in prison, as in this case, that in addition to
5 any maximum possible penalty, the Court may also order a term
6 of supervised release to follow that imprisonment?

7 THE DEFENDANT: I do understand that part.

8 THE COURT: And do you understand supervised release
9 could be imposed here for a term of five years?

10 THE DEFENDANT: I do.

11 THE COURT: Do you understand that while on supervised
12 release, you would be required to abide by conditions specified
13 by the Court and that supervised release could be revoked if
14 you violated any of those conditions?

15 THE DEFENDANT: I do.

16 THE COURT: Do you understand if supervised release is
17 revoked for any reason, you may be imprisoned for the full term
18 of supervised release without credit for time spent on
19 post-release supervision?

20 THE DEFENDANT: I do.

21 THE COURT: And do you also understand the combined
22 time spent in prison under a sentence of imprisonment added to
23 the time spent in prison if supervised release is revoked could
24 exceed the term of your original sentence?

25 THE DEFENDANT: I do.

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1 THE COURT: Do you also understand the Court may order
2 you to make restitution to any victim of the offense to which
3 you are pleading guilty?

4 THE DEFENDANT: I do.

5 THE COURT: Do you understand the offense to which you
6 are pleading guilty is a felony offense?

7 THE DEFENDANT: I do.

8 THE COURT: If your plea is accepted, you will be
9 adjudicated guilty of a felony and that may deprive you of
10 valuable civil rights such as the right to vote, the right to
11 serve on a jury, or the right to possess any kind of a firearm.

12 Do you understand that?

13 THE DEFENDANT: I do.

14 THE COURT: Has anyone threatened you or forced you to
15 plead guilty?

16 THE DEFENDANT: No.

17 THE COURT: Has anyone told you if you do not plead
18 guilty, further charges will be brought against you?

19 THE DEFENDANT: No.

20 THE COURT: Has anyone told you if you do not plead
21 guilty, some other adverse action will be taken against you?

22 THE DEFENDANT: No.

23 THE COURT: Are you pleading guilty because of any
24 coercion from or fear of codefendants?

25 THE DEFENDANT: No.

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1 THE COURT: Is your willingness to plead guilty a
2 result of prior discussions and negotiations between your
3 attorney and the attorney for the Government?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand that plea agreements are
6 permissible and that you and all the attorneys have a duty to
7 disclose to the Court the existence of a plea agreement and the
8 terms of that agreement?

9 THE DEFENDANT: Yes.

10 THE COURT: Has your attorney entered into a written
11 plea agreement on your behalf with the Government?

12 THE DEFENDANT: Yes.

13 THE COURT: Mr. Mares, did you sign the plea
14 agreement?

15 THE DEFENDANT: I did.

16 THE COURT: Before you signed it, did you read it?

17 THE DEFENDANT: Yes.

18 THE COURT: Did you understand all of the terms of the
19 plea agreement?

20 THE DEFENDANT: I did.

21 THE COURT: And did you discuss it with Mr. Gill?

22 THE DEFENDANT: Yes.

23 THE COURT: Has he answered all your questions?

24 THE DEFENDANT: Yes.

25 THE COURT: Mr. Cowhig, what's the substance of the

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1 plea agreement?

2 MR. COWHIG: In brief, your Honor, the agreement is
3 between the defendant, Mr. Mares, and the United States
4 Attorney's Office. It does not bind other parties particularly
5 including the Court or the probation office.

6 It includes defendant's obligations under the
7 agreement which would be for Mr. Mares to plead guilty to
8 Count 1 of the indictment in the case which your Honor has
9 already covered here today.

10 The United States Attorney's Office obligations
11 include a commitment at sentencing to dismiss the remaining
12 counts in the indictment against Mr. Mares.

13 It includes the elements of the offense, which your
14 Honor has reviewed, and the maximum and minimum statutory
15 penalties that might apply and the existence of the safety
16 valve requirements.

17 It sets forth the factual basis at the bottom of
18 page 5 and the top of page 6.

19 It includes a defendant -- a discussion of sentencing
20 factors that might apply and stipulated offense level
21 calculations which are an applicable base offense level under
22 guideline 2D1.1(c)(2) of 36, the offense characteristics of
23 guideline 2D1.1(b)(18), a reduction of two levels related to
24 the safety valve for an anticipated adjusted offense level of
25 34.

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1 The United States Attorney's Office and Mr. Mares
2 formed an agreement with respect to some safety valve
3 requirements which are that both parties agree that the
4 defendant did not use violence or credible threats of violence
5 or possess a firearm or other dangerous weapon in connection
6 with the offenses charged, the offenses charged in Counts 1
7 through 3 of the indictment did not result in death or serious
8 bodily injury to any person, and that the defendant was not an
9 organizer, leader, manager, or supervisor of others.

10 However, the defendant and the United States
11 Attorney's Office have not made an agreement as to whether
12 Mr. Mares qualifies for safety valve relief from the statutory
13 minimum sentence. And Mr. Mares agrees that if the District
14 Court determines he does not qualify, that determination would
15 not serve as grounds to withdraw his plea.

16 The U.S. Attorney's Office has also committed to
17 recommend that the Court reduce the guidelines for acceptance
18 of responsibility for two levels under 3A1.1(a) and a further
19 level under 3A -- 3E1.1(b) because Mr. Mares communicated his
20 intent to plead guilty in a timely manner.

21 The positions regarding sentencing of the parties set
22 out in the agreement are that the United States Attorney's
23 Office will recommend the District Court sentence within the
24 guidelines and the defendant may argue for a downward variance
25 pursuant 18 United States Code 3553.

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1 It includes a waiver of the Constitutional rights,
2 which your Honor has reviewed here in court. And it also
3 includes waivers of appellate rights where --

4 THE COURT: I'll go through those, as well.

5 MR. COWHIG: Yes, your Honor.

6 Mr. Mares reserves only non-waivable claims of
7 ineffective assistance of counsel or a sentence above the
8 guidelines determined by the Court.

9 It sets forth an agreement regarding how a withdraw of
10 the guilty plea or vacatur, reversal, or set-aside of the
11 conviction would be handled, what would be a considered a
12 breach of the plea agreement.

13 It, again, emphasizes that the Court and the probation
14 officer are not parties to this agreement and includes
15 additional amendments that this is the sole agreement between
16 the parties with regard to the guilty plea. And it
17 incorporates the plea agreement into the plea hearing itself.

18 It is signed by Allison Reese, Mr. Mares, and
19 Mr. Mares's counsel, Adam Gill.

20 THE COURT: All right. Mr. Gill, do you agree the
21 substance of the plea agreement has been correctly stated?

22 MR. GILL: Yes, your Honor.

23 THE COURT: And Mr. Mares, is that your understanding
24 of the terms to which you agreed in order to resolve the
25 criminal charges against you?

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1 THE DEFENDANT: I do.

2 THE COURT: Has anyone made any promise to you other
3 than those set forth in the plea agreement that induced you to
4 plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Do you understand that any recommendation
7 of sentence agreed to by your attorney and the attorneys for
8 the Government is not binding on the Court and that you might,
9 on the basis of your guilty plea, receive a more severe
10 sentence than that requested or recommended?

11 THE DEFENDANT: I do.

12 THE COURT: You understand if that were to happen, you
13 would not have the right the withdraw your guilty plea?

14 THE DEFENDANT: I do.

15 THE COURT: Other than those set forth in the plea
16 agreement, has anyone made any prediction or promise to you as
17 to what your sentence will be?

18 THE DEFENDANT: No.

19 THE COURT: Under the Sentencing Reform Act of 1984,
20 the United States Sentencing Commission has issued advisory
21 guidelines for judges to follow in determining the appropriate
22 sentence in criminal cases.

23 Have you and Mr. Gill talked about how those
24 Sentencing Commission guidelines might apply to the facts of
25 your case?

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1 THE DEFENDANT: I have -- we have.

2 THE COURT: And has he answered all your questions?

3 THE DEFENDANT: He has.

4 THE COURT: Do you understand the Court will not be
5 able to determine the appropriate guideline sentence for your
6 case until after the presentence report has been completed?

7 THE DEFENDANT: I do.

8 THE COURT: Do you understand after it has been
9 determined what guideline applies to your case, I have the
10 discretion to impose what I consider to be a reasonable
11 sentence but it may be a sentence that is in excess of the
12 sentence called for by the guidelines?

13 THE DEFENDANT: I do.

14 THE COURT: You understand if that were to happen, you
15 would not have the right to withdraw your guilty plea?

16 THE DEFENDANT: I do.

17 THE COURT: Do you also understand that under some
18 circumstances, to the extent you have not waived the right, you
19 or the Government may have the right to appeal any sentence
20 that I impose?

21 THE DEFENDANT: I do.

22 THE COURT: If I understand your plea agreement
23 correctly as paragraph Roman numeral IX, subparagraph 23 at
24 page 10, you've waived the right to appeal any sentence imposed
25 within or below the sentencing guideline range as determined by

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1 the Court, you've waived the right to appeal the manner in
2 which the Court determined that sentence on the grounds set
3 forth in 18 USC Section 3742, and you've waived the right to
4 appeal any other aspect of the conviction, sentence, and any
5 order of restitution or forfeiture.

6 You've also knowingly and expressly waived all
7 collateral challenges including any claims under 28 USC
8 Section 2255 to your conviction, sentence, and the procedure
9 the Court followed in adjudicating guilt and imposing sentence
10 except for non-waivable claims of ineffective assistance of
11 counsel.

12 Is that correct?

13 THE DEFENDANT: Yes.

14 THE COURT: And did you do that freely and
15 voluntarily?

16 THE DEFENDANT: I did.

17 THE COURT: You also understand that parole has been
18 abolished and that if you are sentenced to prison, you will not
19 be released on parole?

20 THE DEFENDANT: I do.

21 THE COURT: You also understand that any relevant
22 conduct of yours, whether charged in the indictment or not,
23 might still be considered in the presentence report and might
24 increase the sentence to be imposed by the Court?

25 THE DEFENDANT: I do.

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1 THE COURT: You understand if that were to happen, you
2 would not have the right to withdraw your guilty plea?

3 THE DEFENDANT: I do.

4 THE COURT: Mr. Gill, in your plea packet there's a
5 written summary of the Government's evidence against this
6 defendant to support his guilty plea.

7 Do you agree with that summary?

8 MR. GILL: Yes, your Honor.

9 THE COURT: And Mr. Mares, do you agree with the
10 summary about what you did?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you have any questions about the
13 summary?

14 THE DEFENDANT: No.

15 THE COURT: How do you plead then to Count 1 of the
16 indictment, guilty or not guilty?

17 THE DEFENDANT: I plead guilty.

18 THE COURT: Are you pleading guilty because in truth
19 and fact you are guilty and for no other reason?

20 THE DEFENDANT: Yes.

21 THE COURT: Tell me in your own words what you did
22 that has convinced you to plead guilty.

23 THE DEFENDANT: I knew what was going on as far as the
24 distribution of the methamphetamine, I didn't stop it, and I
25 agreed to help.

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1 THE COURT: Is it true that from beginning from a time
2 unknown and continuing to on or about October 30, 2019, you and
3 others known and unknown to the United States Attorney's Office
4 conspired to distribute a mixture and substance containing a
5 detectible amount of methamphetamine in Las Vegas, Nevada?

6 Is that true?

7 THE DEFENDANT: Yes.

8 THE COURT: And is it also true that on October 23,
9 2019 and October 29, 2019, you sold 500 grams or more of a
10 mixture and substance containing a detectible amount of
11 methamphetamine to a DEA confidential source?

12 Is that true?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: And the mixture and substance were later
15 sent to the DEA lab for analysis and found to contain
16 2,122 grams of actual methamphetamine.

17 Is that true?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: And you agree and stipulate that
20 2,122 grams of actual methamphetamine are reasonably
21 foreseeable to you.

22 Is that true?

23 THE DEFENDANT: Yes.

24 THE COURT: And all of this occurred in the State and
25 Federal District of Nevada.

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1 Is that true?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Is that sufficient for the
4 Government then, Mr. Cowhig?

5 MR. COWHIG: Yes, your Honor. Thank you.

6 THE COURT: Now -- all right. Mr. Mares, since you
7 acknowledge that you are, in fact, guilty as charged in Count 1
8 of the indictment, since you know your right to trial, what the
9 maximum possible punishment is, and since you are voluntarily
10 pleading guilty, I will conditionally accept your guilty plea.

11 It is the finding of the Court in the case of the
12 United States versus Francisco Javier Mares that the defendant
13 is fully competent and capable of entering an informed plea and
14 that his plea of guilty is a knowing and voluntary plea
15 supported by an independent basis and fact containing the
16 essential elements of the offense charged. As I said, his plea
17 is therefore conditionally accepted.

18 Mr. Mares, I'm now going to order a presentence
19 investigation report. I urge your full and complete
20 cooperation in providing information for the report because
21 obviously the terms of it are important to the Court in
22 determining what your sentence will be.

23 I want you to understand that any time you meet with
24 the probation officer to provide information for the report,
25 you have the right to have your attorney present with you.

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1 Then prior to the sentencing hearing, you will have the
2 opportunity to read, review, and comment upon the report.

3 Finally, at the sentencing hearing, you may address
4 the Court, you may have Mr. Gill speak on your behalf, or both
5 of you may speak. It's your option.

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I want you to understand the presentence
9 report may have some importance to you that continues beyond
10 the sentencing date.

11 If you are sentenced to prison, this report follows
12 you throughout your term of incarceration, and anytime the
13 people at the Federal Bureau of Prisons need to make any
14 decision at all about you, the very first document they always
15 consult is the presentence report so it's important that it be
16 complete and accurate.

17 Do you understand?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Nick, give us a sentencing
20 date, please, sir.

21 THE COURTROOM ADMINISTRATOR: September 8, 2021 at
22 10:30 a.m.

23 THE COURT: September 8th at 10:30 a.m.

24 All right. Anything else to come before the Court?

25 MR. COWHIG: No, your Honor. Thank you.

2:20-cr-00018-JCM-EJY

1 MR. GILL: No, your Honor. Thank you very much.

2 THE COURT: All right. Thank you very much. Then
3 we'll be in recess.

4 (The proceedings concluded at 10:26 a.m.)

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14 COURT REPORTER'S CERTIFICATE

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16 I, SAMANTHA N. MCNETT, Official Court Reporter, United
17 States District Court, District of Nevada, Las Vegas, Nevada
18 certify that the foregoing is a correct transcript from the
19 record of proceedings in the above-entitled matter.

20

21 Date: June 4, 2022

22

23 /s/ Samantha N. McNett
24 Samantha McNett, RPR, CRR, CCR

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